



FREDERICK COUNTY PLANNING COMMISSION

December 10, 2014

TITLE: Linton at Ballenger Section IV Combined Preliminary Subdivision/Site Development Plan

FILE NUMBER: S-1128 (SP-05-08) AP 14782, APFO 2121, FRO 14784

REQUEST: Combined Preliminary Subdivision/Site Development Plan Approval

The Applicant is requesting Combined Preliminary Subdivision/Site Development Plan approval for 28 single family lots and 28 townhouses, on a 13.5-acre site.

PROJECT INFORMATION:

LOCATION: Located at the corner of Elmer Derr Road and Ballenger Creek Pike
TAX MAP/PARCEL: Tax Map 85, Part of Parcel 44
ZONING: PUD (Planned Unit Development)
COMP. PLAN: Medium Density Residential
PLANNING REGION: Adamstown
WATER/SEWER: W-3, S-3

APPLICANT/REPRESENTATIVES:

APPLICANT: Linton Green, LLC
OWNER: Linton Green, LLC
ENGINEER: Rodgers Consulting
ARCHITECT:
ATTORNEY: Andrew DiPasquale, AD Law

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1- Site Plan Rendering
Exhibit 2- Modification Statements

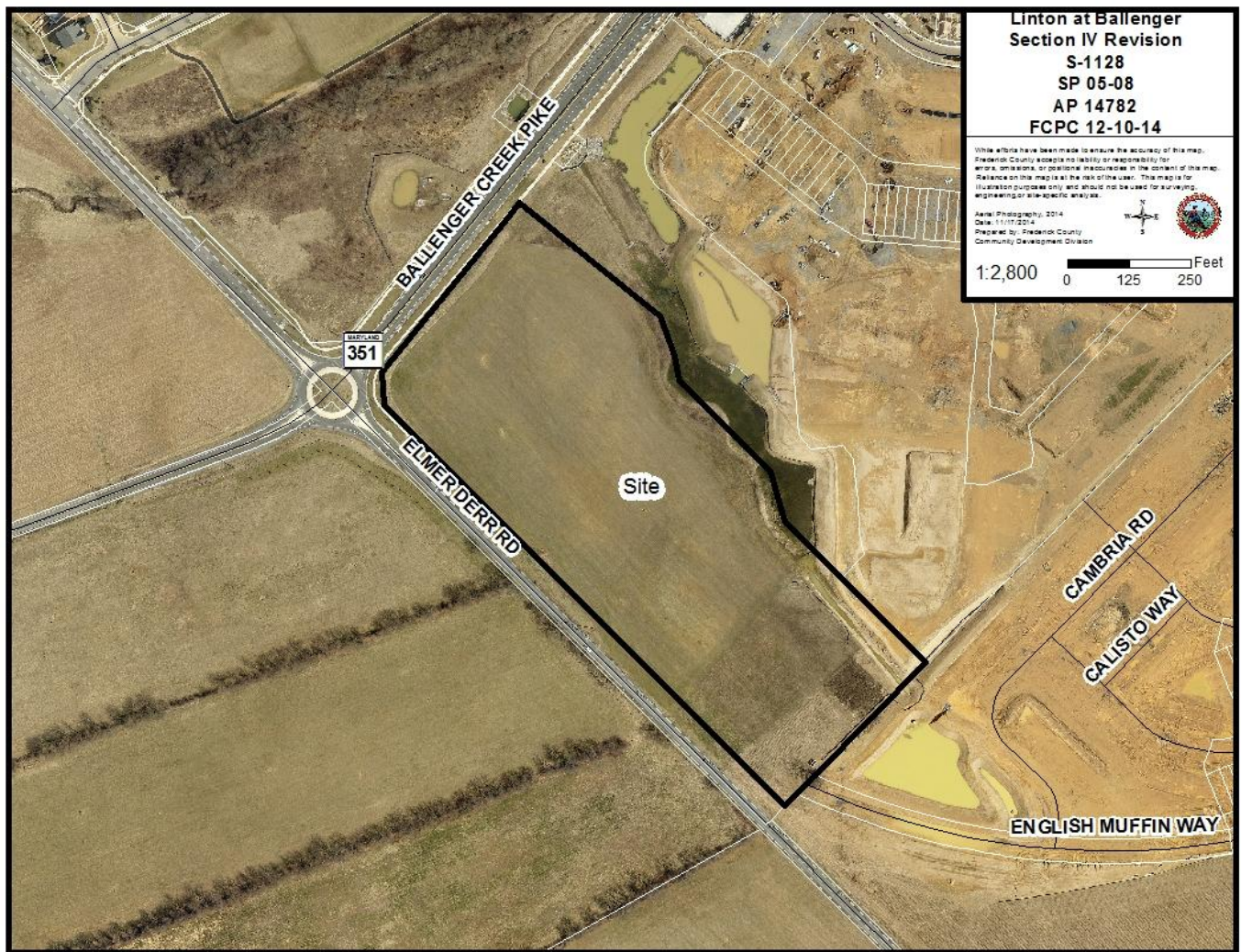
STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Combined Preliminary Subdivision/Site Development Plan approval for 28 single family lots, and 28 townhouses with detached garages, on a 13.5-acre site known as Section IV of the Linton at Ballenger PUD. The project is subject to the requirements of the Frederick County Code, specifically Chapter 1-16 Subdivision Rules and Regulations for the Preliminary Subdivision Plan review, and Section 1-19-3.300 through 1-19-3.300.4 for the Site Development Plan Review. The Site Plan portion of the project is being reviewed as "Townhouse" under the heading of *Residential* per §1-19-5.310 Use Table in the Zoning Ordinance. Townhouses are a principal permitted use in the Planned Unit Development Zoning District subject to site development plan approval. See Graphic #1 below.

Graphic #1 Aerial



BACKGROUND

Development History

On March 11, 2004, the Ausherman Development Corporation received approval from the Board of County Commissioners (BOCC) for the rezoning of the Linton Property consisting of 138.7 acres from Agricultural to Planned Unit Development (PUD). The approval was for 763 dwelling units, a density of 5.5 dwelling units per acre and included twenty-six (26) conditions. The conditions are outlined in Ordinance Number 04-03-347, R03-01, and listed on the sheet one of the subject Preliminary Plan.

All of the Phase 1 conditions have been met, with the exception of number 21, which details lands that are to be dedicated to the County. Currently the 4.6 acre site adjacent to Tuscarora High School has been graded and is in the process of being inspected prior to dedication to the County Department of Recreation and Parks.

The Phase II Plan (approved under the PUD regulations prior to the 2010 amendments) for the development, was conditionally approved at the October 20, 2004 Planning Commission (FCPC) meeting. The Phase II Development Plan incorporated the provisions of the Moderately Priced Dwelling Unit Ordinance adopted in November 2002. The site is located within the Adamstown Planning Region, with a comprehensive plan designation of Medium Density Residential.

The FCPC conditionally approved the Preliminary Plan for Section I, the Site Plan for the Townhouse portion of Section I of the Linton Farm in May of 2005 for, 174 dwelling units total: 142 Single Family and 32 Attached Townhouses.

The Combined Preliminary/Final Site Plan for Section II was approved by FCPC on October 10, 2007, for 170 dwelling units total: 10 Single Family, 88 Town home units and 72 condominium (2 over 2) units.

The Combined Preliminary/Final Site Plan for Section III was approved by FCPC on April 14, 2010, for 355 dwelling units total: 101 Town home units and 138 condominium (2 over 2) units, 116; 12 & 16 unit condominium units.

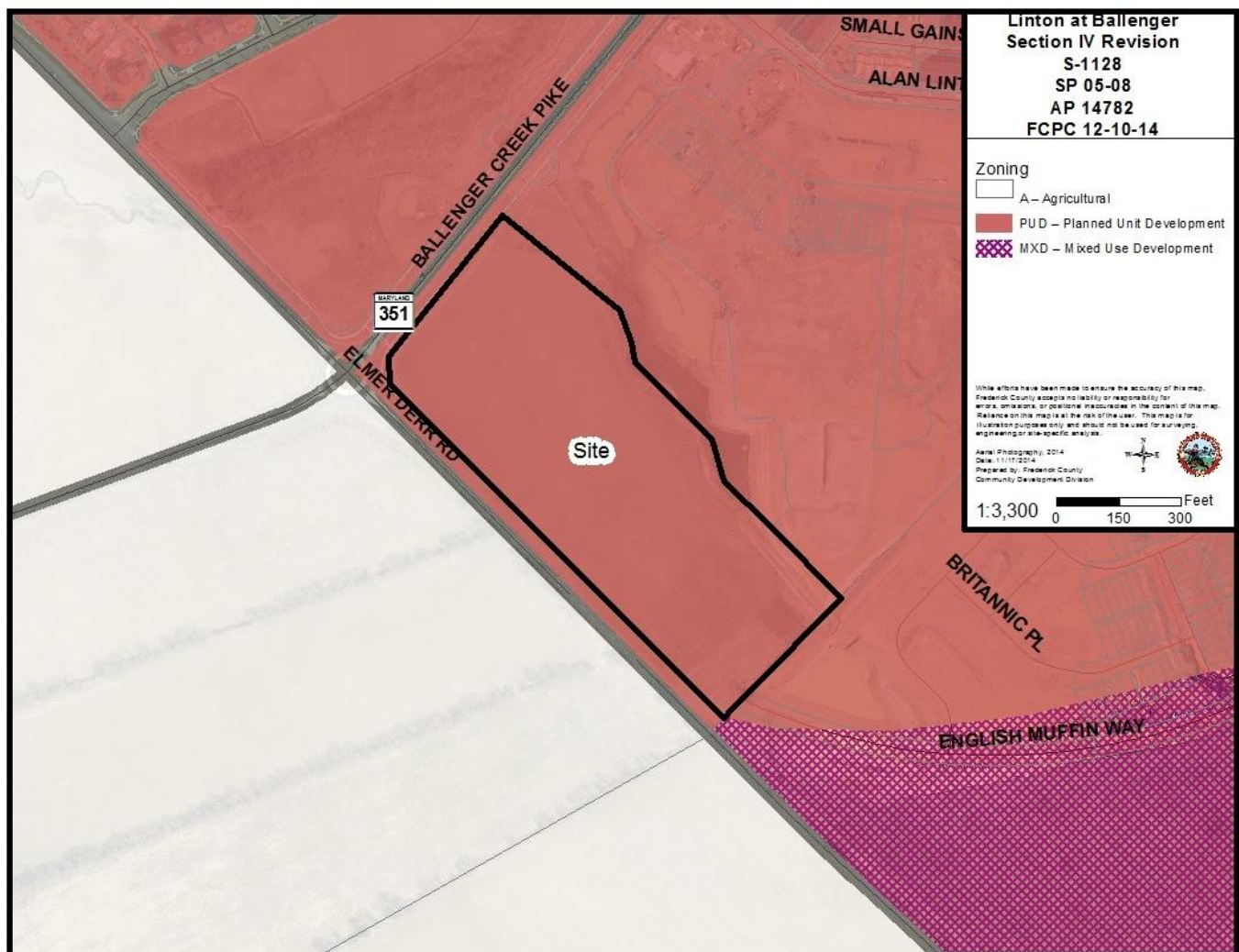
The Applicant has 174 lots recorded in Section I and has vested the site plan for Section I of the development. The Applicant has recorded 158 lots within Section II and has vested that portion of the Preliminary Plan. The Applicant has recorded 24 lots within Section III and has vested that portion of the Preliminary Plan. Construction and building continues in portions of Section I and has commenced as well in Section II and III.

A Combined Preliminary Subdivision/ Site Development Plan for Section IV was originally approved by the FCPC on April 14, 2010, for 13 single family lots, and 51 townhomes. The current proposal would increase the number of single family lots and decrease the number of townhouses. The current plan proposes 28 single family lots and 28 townhouses.

Existing Site Characteristics

The site is located within the Planned Unit Development (PUD) Zoning District, shown in maroon below. The adjacent zoning district to the west is Agricultural (AG), and the (MXD) Mixed Use Development district is to the east, shown in hatched purple. See Graphic #2 below.

Graphic #2 Zoning Map



ANALYSIS

Summary of Development Standards Findings and Conclusions

The primary issue associated with this project was the overall design and redesign of Section IV. Staff worked closely with the Applicant in order to accommodate the parameters of the redesign, while avoiding the placement of the backs of homes along Ballenger Creek Pike, retaining open space, and providing increased connectivity. This current proposal has more east-west alley and lane connections, which helps overall connectivity as well as producing a ring road around Section IV.

Detailed Analysis of Findings and Conclusions

The Combined Preliminary Subdivision/ Site Development Plan for Section IV was originally reviewed based on the PUD regulations in place at that time. Consistent with the provisions in section 1-19-10.500.11 of the Zoning Ordinance, the proposed Section IV plan is being reviewed based on the current PUD regulations.

Preliminary Subdivision Plan approval is granted based upon review of the requirements found in Chapter 1-16 of the Frederick County Code. Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria. The project shall also comply with Section 1-19-10.500.6, *Land Use, Mixture, and Design Requirements within the PUD District* and 1-19-10.500.9 *General Development Standards with the Planned Development Districts* within the Zoning Ordinance.

SITE DEVELOPMENT

§ 1-16-217(A) Land Requirements:

The land use pattern of the comprehensive development plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.

The designated Comprehensive Plan land use for the site of the PUD is Medium Density Residential. This designation is intended to be applied only within Community Growth Areas and indicates a residential density range of 6 to 12 dwellings per acre on public water and sewer. The proposed subdivision is within a Community Growth Area and is intended for a residential development on public water and sewer with a gross density range of approximately 4 dwelling units per acre.

§ 1-16-218. Block Shape: *The maximum block dimension shall be 1,800 feet.*

No block dimension is greater than 1800 feet. Pedestrian walkways provided.

§ 1-16-219. Lot Size and Shape:

The size, width, depth, shape, orientation and yards of lots shall not be less than specified in the zoning ordinance for the district within which the lots are located and shall be appropriate for the type of development, the use contemplated and future utilities.

The approved Section IV included minimum lot sizes that ranged for the single family detached dwelling from approximately 5,400 square feet to approximately 7,000 square feet. While the townhouse lots ranged from approximately 1,800 square feet to approximately 2,900 square feet. The setbacks and height limitations of 20' front yard, 8' side yard, and 25' rear yard. Setbacks and height limitations for structures over 3 stories or 30' were to be determined by the Planning Commission at site plan review. However, the current application requests a deviation from these originally approved setbacks as discussed below. The current PUD regulations provide that setbacks and height are established by the Planning Commission at Phase II.

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

- 1. Dimensional Requirements/Bulk Standards §1-19-10.500.6(H).2:** Per this section of the zoning ordinance, setbacks and height shall be established by the Planning Commission at Phase II based on several factors. The Applicant has submitted dimensional requirements for the FCPC to review and approve.

Linton at Ballenger Section IV Combined Preliminary/Site Plan

December 10, 2014

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Setbacks:

The Applicant is requesting a modification from the originally approved front, rear, and side yard setbacks within Section IV of the project (see attached Exhibit 2). If the Planning Commission approves the request the setbacks would be as follows:

- **Single Family Detached Homes:** 20-foot front yard, 35-foot rear yard, and 5-foot side yards, with the exception of side yards along Private Streets which will have a 4-foot setback. Building height is proposed to be 40' feet.
- **Townhouses with Detached Garage:** 5-foot front yard, 35-foot rear yard, and a 4-foot side yards. Building height is proposed to be 35' feet. The detached garages will be 20'x10', and have a 5-foot alley setback.

The Applicant has provided a BRL modification table on Sheet 1 of 13 of the Combined Preliminary/Site Plan, as well as a setback graphic shown on Sheet 3 of 13. The requested setback modifications will allow for a superior layout of lots, providing a more compact neighborhood which will have a strong pedestrian orientation, greater vehicular connectivity and redundancy, while providing a better overall network of open space areas. The modification request is consistent with the provisions of the PUD district regulations. Staff has no objection to the proposed building setbacks and height as listed on Sheet 1 of 13 of the Combined Preliminary/Site Plan.

Height:

The Applicant is proposing a maximum building height for the single family detached dwellings not to exceed thirty-five (35) feet. The townhouses are proposed not to exceed forty (40) feet in height (see attached Exhibit 2).

If the Planning Commission grants the Applicant's request, the single family detached and single family attached units in Section IV would be allowed to be constructed up to a thirty-five (35) or forty (40) foot height, respectively.

Staff notes that the granting of this request does not allow other structures within the PUD to increase in height.

2. **Signage §1-19-6.300:** The Applicant is not proposing any additional signage.
3. **Landscaping §1-19-6.400:** The Applicant has provided a landscaping plan in accordance with Zoning Ordinance Section 1-19-6.400. The plan proposes a mix of evergreens and deciduous trees. The site is designed with a variety of plant species. Street tree plantings are proposed to be planted in alternate locations in order to meet the required planting of 1 tree every 35 feet of roadway frontage. Due to underground utility placement the street trees along Madigan Boulevard as well as Hiteshow Drive had to be planted at a distance greater than 35' on center. The landscaping will be subject to the final location of utilities. The Applicant is also proposing to reduce the planting panel width from curb to sidewalk down to 5 feet from the recommended 7 feet. The distance of 5 feet is sufficient to plant street trees of the proposed species. Staff and the Applicant worked to provide alternative locations for the other required street trees. Therefore, Staff supports these landscaping modifications.

The Applicant proposes a large landscaped berm which will run the entire length of Elmer Derr Road adjacent to Section IV. The landscaping will be subject to the final location of utilities. Any loss of landscaping due to utility location shall be provided elsewhere on-site where appropriate to achieve the same effect.

4. **Screening §1-19-6.400:** The Applicant has proposed a landscaping/screening plan that adheres to the rezoning condition #25, which states that the Applicant shall provide an earthen berm along the entire Elmer Derr Road frontage.
5. **Lighting §1-19-6.500:** The Applicant has provided a Lighting Plan on Sheet 11 of 13. The Applicant is proposing 32, 12-foot tall poles which meets the zoning ordinance maximum lighting pole height of 14 feet in pedestrian areas.

The plan adheres to the requirements of Section 1-19-6.500.G and does not allow light spillage over 0.5 foot candles at the property lines.

Conditions:

Approval of the Landscape plan modification in accordance with Section 1-19-6.400.I in order to allow for flexible placement of street trees along the internal private streets throughout Section IV. Due to underground utility placement the street trees along Madigan Boulevard as well as Hiteshow Drive had to be planted at a distance greater than 35' on center. The Applicant is also proposing to reduce the planting panel width from curb to sidewalk down to 5 feet from the recommended 7 feet. The distance of 5 feet is sufficient to plant street trees of the proposed species. Staff and the Applicant worked to provide alternative locations for the other required street trees. Therefore, Staff supports this landscaping modification.

TRANSPORTATION AND PARKING

§1-16-109 Street, Common Driveway, and Sidewalk Construction:

The project shall provide for the complete construction of street improvements, including drainage facilities as provided in section 1-16-234 through 1-16-241 of the Subdivision Regulations and in accordance with the Frederick County Design Manual.

Required minimum width for sidewalks is 4 feet. All sidewalks provided are a minimum of 5 feet wide throughout the site.

A 5 foot wide natural trail is provided within the development to connect with Section III to the north of the site.

Driveway Entrance Spacing Policy

Adopted by the FCPC in 2002 (amended 2004), this policy provides a system of evaluating driveway locations for public safety, to preserve rural character of roads located in rural parts of the County, and allowing tighter spacing in areas of the County designated for denser development.

Proposed driveways are all located on local residential streets, which have no spacing restrictions.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

1. **Access/Circulation:** Section IV will be accessed via two entrances on Elmer Derr Road. Madigan Blvd is a one-way in, one-way out boulevard entrance/exit located in the center of Section IV off of Elmer Derr Road. Hiteshow Drive is located on the southern boundary of Section IV and is proposed as a full movement access onto Elmer Derr Road and will provide direct access into the center of Section III to the north. There will be pedestrian access via a trail

and sidewalks into Section III to the north. All units have direct access to the sidewalk system. All sidewalks should be a minimum 5 feet in width to allow for better pedestrian movement and handicap accessibility.

- a. The Applicant is providing between 55 feet and 110 feet dedication for Elmer Derr Road relocated on the southern perimeter of Section IV. Pursuant to the LOU, the Applicant will be required to provide the improvements necessary within that right-of-way. The exact improvements will be finalized at Section IV Improvement Plan stages. This condition has been satisfied during the previous approval.
2. **Connectivity §1-19-6.220 (F):** Hiteshow Drive is proposed to be a full movement access onto Elmer Derr Road and will provide direct access into the center of Section III to the north. The proposed Hiteshow Dr. ultimately leads to a more northern access to Ballenger Creek Pike (through Section III), as well as two eastern connections into the adjacent Younkens PUD through Section III. There will be pedestrian access via a trail and sidewalks into Section III to the north. All units have direct access to the sidewalk system. All sidewalks shall be a minimum 5 feet in width to allow for better pedestrian movement and handicap accessibility.
3. **Public Transit:** This site is not served by Transit.
4. **Vehicle Parking §1-19-6.220:** The Applicant is required to provide 126 parking spaces; the Applicant is proposing 128 parking spaces. The Applicant has submitted a parking space modification letter in order to provide 28 of the required 126 “on-lot” parking spaces for the townhouse units to be located on the public and private streets fronting, or adjacent to the residential units being served. The Applicant has also submitted a modification for 2 additional parking spaces, over the target number of 126.

The Applicant has submitted a parking space modification statement in accordance with Section 1-19-6.220.A.3., which is attached to this staff report as Exhibit 2.

From previous experience with parking shortages in similar townhouse developments, staff requested that the Applicant provide additional parking spaces during an initial design meeting, and worked the applicant to modify the design to provide the additional spaces. Therefore, staff supports this parking space modification.

Parallel Parking Space Dimension: In accordance with Z.O. Section 1-19-6.220.B.1, all parallel parking spaces shall be 8’x22’. The Applicant is proposing 30 parallel parking spaces with a dimension of 7’x22’. In accordance with Z.O. Section 1-19-6.220.B.3, the Applicant has requested a parking space dimension modification. The Applicant has submitted a modification statement (see Exhibit 2) which states that the narrower dimensions do not adversely impact safety or sight circulation efficiency.

6. **Bicycle Parking §1-19-6.220 (H):** In accordance with the Zoning Ordinance, the Applicant is required to provide 5 bike racks and is proposing 5 bicycle racks at various locations throughout the site.
7. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant has proposed sidewalks in front of all of the proposed units, as well as along the Elmer Derr Road and MD 351 frontages. This pedestrian connection is consistent with Phase 1 requirement number 10, which specifies a safe pedestrian route to Tuscarora Elementary and High Schools.

Conditions:

1. Approval of the parking space modification in accordance with Section 1-19-6.220.A.3., to permit a slight parking overage of 2 spaces above the required 126.
2. Approval of the parking space modification in accordance with Section 1-19-6.220.A.3., to provide 28 of the required 126 "on-lot" parking spaces for the townhouse units to be located on the public and private streets fronting, or adjacent to the residential units being served.
3. Approval of the parallel parking space modification in accordance with Section 1-19-6.220.B.3., to propose 30 parallel parking spaces with a dimension of 7'x22'.

PUBLIC FACILITIES AND UTILITIES

§ 1-16-12 Public Facilities:

All proposed lots will access publicly maintained roads with continuously paved surfaces of 20 feet in width.

The property is classified W-3/S-3 on the Frederick County Water and Sewerage Master Plan indicating improvements to, or construction of, publicly-owned community sewerage or water systems are planned to be completed and operational within 3 years.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

1. **Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-3, S-3. The entire site is in pressure Zone #1 with water coming from New Design WTP and Sewer flowing into the Ballenger McKinney WWTP.

NATURAL FEATURES

§ 1-16-217(B) Land Requirements

The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.

The existing topography is the basis for the overall community layout, with the higher elevations delineated as areas of development, and the lower elevation areas delineated as undeveloped areas to be maintained in a more natural state.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

1. **Topography:** The site has a grade of less than 15%. The property slopes down from north to south.
2. **Vegetation:** The entire site was previously cropland. A significant amount of landscaping is provided throughout the four sections of Linton at Ballenger. Section III and IV will be separated by a series of large stormwater management ponds, which are designed as a vegetative buffer.

3. **Sensitive Resources:** There are no sensitive resources located on site that are affected by the development proposal. There is however flooding soils and wetlands located to the north of the proposed development. General Note #9 on the plan cover sheet details that a wetland delineation report was conducted by McCarthy & Associates and was reviewed by the US Army Corp of Engineers & State Department of the Environment in October 2004. There are no wetlands within the limits of this plan.
4. **Natural Hazards:** There are no natural hazards located on site that are affected by the development proposal.

COMMON AREAS

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

1. **Proposed Common Area:** The Applicant is required to provide 30% or 42 acres for open space and common areas within the overall PUD Sections I through IV. The Applicant has provided 3.8.6% or 54.1 acres. Therefore this proposal meets the open space requirements.
2. **Ownership:** Open space parcels shall be owned and maintained by the Homeowners Association.

Other Applicable Regulations

Moderately Priced Dwelling Units – Chapter 1-6A: This project does not contain any MPDU's, the required MPDU's for Section IV were placed into Section III, per the approved Phase II plan.

Stormwater Management – Chapter 1-15.2: SWM water quality and quantity is to be provided in proposed facilities #5 and #8-East, in compliance with the 2000 Maryland SWM Design Guidelines by virtue of the Stormwater Management Administrative Waiver (AP #11173) that was approved by Frederick County on September 22, 2010. Design and approval of the stormwater facilities for this project was obtained under the "Linton at Ballenger Section III and IV Mass Grading and Stormwater Management Plan" AP #12905, approved by Frederick County on December 12, 2012.

APFO – Chapter 1-20: The change of housing type does not increase the intensity of overall road trip or student yield generation and as a result is exempt from any further Adequate Public Facilities test and review. An APFO LOU was originally approved in 2005 with amendments over time as the project has moved forward to completion. The current APFO LOU expires on October 20, 2020.

Forest Resource – Chapter 1-21: The FRO requirements for Linton have been previously mitigated. The proposed changes to Section 4 have no impact on the recorded FRO easements and does not generate any new or additional FRO requirements.

Historic Preservation – Chapter 1-23: There are no historic resources located on this portion of the site.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval
Development Review Planning:	Hold: Address all agency comments as the plan proceeds through to completion
State Highway Administration (SHA):	Conditional Approval
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Conditional Approval
Health Dept.	Conditional Approval
Office of Life Safety	Conditional Approval
DPDR Traffic Engineering	Approved
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the Combined Preliminary/Final Site Plan and APFO. If the Planning Commission conditionally approves the Combined Preliminary Subdivision/Site Development Plan the Site Development Plan is valid for a period of three (3) years from the date of Planning Commission approval and therefore will expire on December 10, 2017. The Preliminary Plan is valid for the lesser of 5 years from the date of Planning Commission approval or the period of Adequate Public Facilities approval for the Preliminary Plan. The APFO approval expires on October 20, 2020. Therefore the Preliminary Plan will expire on December 10, 2019.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO and LOU, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds to completion.
2. Modification for the setbacks to allow:
 - a. **Single Family Detached Homes:** 20-foot front and 35-foot rear yard and 5-foot side yards, with the exception of side yards along Private Street will have a 4-foot setback. Building height is proposed to be 40' feet.
 - b. **Townhouses with Detached Garage:** 5-foot front and 35-foot rear yard and a 4-foot side yards. Building height of 35' feet. The detached garages will be 20'x10', with a 5-foot alley setback.
3. Accessory structure setback for:
 - a. The detached garages will be 20'x10', with a 5-foot alley setback.
4. Approval of the requested Parking Space modification in accordance with 1-19-6.220.A.1 of the Zoning Ordinance.
5. Approval of the requested Parallel Parking Space Dimension modification in accordance with 1-19-6.220.B.2 of the Zoning Ordinance.
6. Approval of the requested Landscape modifications in accordance with 1-19-6.400 of the Zoning Ordinance.

7. As consistent with past approvals for Section IV, The Applicant will work with Staff to provide upgraded architectural features for the residential units to include specialized window and door treatments, architectural grade shingle, provide full masonry facades for a minimum of 50% of units, bay windows on end units, additional windows on end units, as approved by Staff. Special attention should be given to the following higher visible lots: 400, 403, 404, 407, 408, 413, 414, 418, 419, 424, 428, 429, 433, 434, 436, 437, 441, 442, 446, 447, 449, 450, and 455.
8. As consistent with past approvals for Section IV, The Applicant will work with Staff to provide upgraded architectural features for the detached garage units to include upgraded garage door and door treatments, architectural grade shingles to match the house, step backs between each unit to reduce a long unattractive façade, change in material of the units, and upgraded end units, as approved by Staff.
9. As consistent with past approvals and the APFO LOU, this Applicant and the neighboring developer to the east shall coordinate the engineering details and timing responsibilities of construction of the relocated English Muffin Way prior to submission of Improvements Plan. A note reflecting the above must be added to the Preliminary Plan for Section IV prior to final stamp and signature.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** the Combined Preliminary Subdivision/Site Development Plan **S-1128 (SP-05-08) with conditions, and modifications** as listed in the staff report for the proposed Linton Section IV, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

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December 10, 2014

Exhibit #2-Linton at Ballenger Modification Statements



November 17, 2014

Mr. Tolson Desa
Community Development Division
Frederick County
30 N Market Street
Frederick, MD 21701

Re: Linton at Ballenger – Section 4
Combined Plan Application A/P 14782
Modification Request
RCI Project No. 1122A4

Dear Mr. Tolson:

On behalf of Linton Green LLC, please accept this document as a formal request of the Planning Commission to approve modifications to Standard PUD Development Policy regarding the parking space number and distribution, parallel parking space dimension, lot dimensional standards and landscape standards. We submit this modification request pursuant to Section 1-19-10.500.9(D) of the Zoning Ordinance, which grants the Planning Commission the authority to grant modifications as part of its approval of a Planned Unit Development Phase II plan, and in full conformance with the applicable provisions of Article VI of the Zoning Ordinance.

The parking modification requests are based on the provisions of Section 1-19-6.220 (A) (1) of the County Zoning Ordinance, which states that the Planning Commission may approve modifications to the parking requirements if the applicant can demonstrate an acceptable alternative based on the characteristics of the proposed use and to allow for the creation and implementation of community specific design and development standards.

The request to modify the lot dimensional standards and landscape/street tree planting standards are based on the provisions of Section 1-19-10.500.9(D) of the County Zoning Ordinance, which states that as part of the Planned Development Phase II approval the Planning Commission may approve modifications to parking, loading, street design, landscaping, screening, buffering requirements, and general development standards as provided in 1-19-10.500.9(A).

We respectfully request the following modifications:

1. Parking Space Number & Distribution:

- a. Modification to allow 28 of 126 required "on-lot" parking spaces to be located "off-lot" on the public and private streets fronting, or adjacent to the residential units being served.

Justification:

- The property is currently zoned PUD.
- The parking modification is necessary to allow the applicant and county to satisfy elements of the PUD Zone planning goals by meeting the community parking requirements through the implementation of sharing off-lot/on-street parking resources.
- There are 2 surplus parking spaces within the Section 4 area, excluding the 68 spaces actually provided in garages and driveways not credited per the code.
- The parking modification will allow the applicant to achieve their planning goals by creating a desirable community consistent with the goals of the PUD Zone while providing alternative products that will respond to current market conditions.
- The parking strategy proposed by this application is consistent with similar communities being marketed and constructed in the region today.
- The requested modification will allow the applicant to meet the above goals while still providing sufficient overall parking for the project.
- The Planning Commission may modify the parking requirements to permit the provision of a reduction in parking spaces when an Applicant demonstrates that the parking needed for the proposed use and tenant requirements are met.

2. Parallel Parking Space Dimension:

- Modification from the standard 8' x 22' parallel space to a 7' x 22' parallel space for the local residential roads.

Justification:

- The property is currently zoned PUD.
- Section 1-19-10.500.3 of the Zoning Ordinance requires PUDs to be compact, employing design principles that result in efficient consumption of land.
- The parking requirements applicable to PUDs are those set forth in Section 1-19-6.220 of the Zoning Ordinance, and the Planning Commission, in considering an application for Phase II PUD may approve modifications to those parking requirements.
- Section 1-19-6.220 (B)(3) allows modifications to the stall widths for parallel parking spaces in compact developments provided that the narrower dimensions can reasonably be accommodated with no adverse impact on safety or site circulation efficiency.
- The Linton at Ballenger PUD is a compact development designed to cluster development into compact land bays in a manner that conserves natural open spaces areas. This compact community design was reviewed and approved by the Board of County Commissioners for Frederick County and the reduction in parallel parking space dimension is consistent with the state environmental goals of reducing impervious areas within the Chesapeake Bay watershed and with the PUD Ordinance requirements that PUDs be designed to promote the efficient consumption of land.
- The narrower dimensions requested can reasonably be accommodated without adverse impact on safety or site circulations efficiency due to the smaller dimensions of today's automobiles.

3. Lot Dimensional Standards:

Setbacks: Modification of the standard 25' front, 8' side and 25' rear to the setbacks identified on the plan set including the BRL Modification Table located on Sheet 1.

Building Heights: Modification to the 30' feet maximum building heights to:

- Single family detached: 35 feet
- Single family attached (town homes): 40 feet

Justification:

- The property is currently zoned PUD.
- The modification request is consistent with the provisions identified in the PUD Zone; Section 1-19-10.500.9 (D) As part of the Planned Development Phase II approval, the Planning Commission may approve modifications to parking, loading, street design, landscaping, screening, buffering requirements, and general development standards as provided in 1-19-10.500.9(A).
- The setback modification will allow the applicant to achieve their planning goals by creating a desirable community consistent with the goals of the PUD Zone while providing alternative products that will respond to current market conditions.
- The modifications requested allow for a superior layout of lots and open spaces, providing a more compact neighborhood which will have a strong pedestrian orientation given that all of the proposed homes will be within easy walking distance of all three public schools serving the neighborhood.
- The requested building heights are consistent with the products being marketed and constructed in the region today.
- The modifications requested are consistent with the communities and residential architecture being developed and constructed in the region today and will allow the applicant and county to achieve their planning goals by creating a desirable community consistent with the goals of the PUD Zone while providing alternative products that will respond to current market conditions.
- The modification provides for an improved design and furthers the above goals, which would not otherwise be possible without the modification.

4. Landscape Standards:

Modification to the landscape standards to reduce the planting panel width between the curb and sidewalk from the required 7 feet to 5 feet, and to permit the planting of street trees in alternate locations in order to meet the required planting of 1 tree every 35 feet of roadway frontage.

Justification:

- Section 1-19-6.400 of the Zoning Ordinance sets forth the general landscaping requirements applicable to PUDs, and states that street trees shall be provided along the property line adjacent to the paved surface of an existing or proposed public right of way in a planting area no less than 7 feet wide, and planted with shrubs or trees, which include at a minimum one tree at least 6 feet in height at the time of planting per 35 feet of roadway frontage.

- The Planning Commission may modify these general requirements and approve an alternate planting design that locates trees at an alternate on-site location due to physical site constraints.
- Section 10-10.500.3 of the Zoning Ordinance requires PUDs to be compact, employing design principles that result in efficient consumption of land.
- The proposed 5 foot minimum landscaping panel provides an adequate area to promote the growth and maintenance of street tree species specified.
- The Applicant has submitted an alternate planting design which wherever not in conflict with utilities (water/sewer/storm drain), streetlights or vehicle sight distance, proposes to plant approximately 96 of the required 105 trees along both sides of the public & private roads at variable spacing, and at all other locations where there is a planting opportunity within the public right-of-way and private road parcel.
- The proposed alternate landscape design is necessary as a result of the conflicting goals and design policies of the various county agencies including CDD Planning, CDD Engineering and DUSWM as well as conflicting with the Zoning Ordinance Section 1.19-600.4.
- In addition to the approximately 96 trees proposed to be planted along public right-of-ways and private roads, the landscape program also proposes approximately 107 trees within HOA open space parcels within Section 4.

Based on the justification provided and that the modifications requested are consistent with the rules and regulations provided in the Frederick County Zoning Ordinance, we look forward to your review and approval.

Sincerely,



Randall D. Frey, P.E.

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File

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